

August 16, 2020

Honorable Lewis Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: ***Chosen Figure LLC v. Smiley Miley, Inc. et al (1:20-cv-4831-LAK)***

Dear Judge Kaplan,

In advance of our telephonic hearing on Monday morning, I wanted to provide Your Honor with a copy of the attached retainer agreement, the last page of which was submitted to the Court previously. By way of background, my firm was retained by Josiah Kamau on February 28, 2019 in connection with the investigation, enforcement and prosecution of his copyright infringement claims. The retainer was signed in the name of Mr. Kamau. Mr. Kamau is a principal of the corporate entity Chosen Figure LLC. I understood that because I had a retainer agreement with Mr. Kamau that I did not need a new and different retainer agreement for Chosen Figure LLC. I understood generally that New York Law provided that attorneys need not obtain new retainer agreements where the representation involves services that are of the same general kind as previously rendered. See 22 NYCCRR 1215.2(b). I viewed Mr. Kamau and Chosen Figure LLC as functionally the same and therefore I believed that I did not need to obtain a separate retainer from Chosen Figure LLC.

Pursuant to Your Honor's August 11, 2020 Order, on Tuesday August 18, 2020, we will be providing the other materials sought in Your Honor's Order, but I do believe that the information above may be helpful with respect to issues that may arise at Monday's conference.

Respectfully submitted,

/s/Richard Liebowitz
Richard P. Liebowitz

Counsel for Plaintiff Chosen Figure LLC